

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

CASE No. 1:14-CV-00254

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

United States District Court
Southern District of Texas
FILED

MAR 1 2016

David J. Bradley, Clerk of Court

AMICI CURIAE BRIEF OF WILLIAM F. READE, JR. WHO IS FILING IN ORDER TO STOP THE UNLAWFUL AND UNCONSTITUTIONAL ACTS OF THE GOVERNMENT AGENTS ELECTED AND APPOINTED IN ACCORDANCE WITH MY OATH AS AN OFFICER OF THE UNITED STATES ARMY.

ARTICLE VI OF THE CONSTITUTION IS OUR SUPREME LAW AND IT MUST BE ADHERED TO.

Read this Amicus Brief and consider the contents as meant to enlighten all concerned by bringing forward certain National and international laws, rules and facts which are being ignored or overlooked by all parties concerned. **"Ignorantia juris non excusat"** The included cites/exhibits are "Texas Law", our National Law, International Law and Treaties to which this Nation is a Party, and bound to comply with under Article VI of our Constitution.

U.S. District Court SOUTHERN DISTRICT OF TEXAS (Brownsville)
CIVIL DOCKET FOR CASE #: 1:14-cv-00254

Constitution of the United States Article VI

2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

As a naturalized citizen (under the 14th Amendment) and a resident of Massachusetts, whose ancestors came here on the Mayflower and signed the first governing document of this country I have standing and a right to be heard as afforded for due process and equal treatment is required.

Having become a citizen under the 14th Amendment the right to “Due Process” is statutorily mine (see **Twining v. State of New Jersey** (211 US 78) (V).) Therefore my Constitutional right to equal treatment under the Laws of this nation, are also.

By affording all of those who have arrived here illegally rights and privileges , that are unearned, and by not requiring them to meet the same criteria as my ancestors as well as me and my siblings is in violation of the “Bill of Rights” by denying us and millions of others equal treatment in accordance with existing statutes. (See also **Twining v. State of New Jersey** (211 US 78) (V)

It was because of this very apprehension that we find the Ninth and Tenth Amendment under the US Constitution today. The Ninth and Tenth Amendments

taken together provide for interpreting the Constitution while also defining the sovereignty of the republic.

The Ninth was intended to preserve all rights under existing state laws as of 1791, and those rights, which States might later decide to extend. The Tenth guaranteed to the States their ability to exercise their powers based on the sovereign right of the people to self-government.

The Ninth Amendment looks to the past, the rights retained, or that will be retained by the States. The Tenth Amendment acts to prevent encroachment by the national government upon the States via the exercise of a non-delegated power. [“AMNESTY” find it in our Constitution or Statutes it has not been delegated] Thomas Jefferson forcibly tells us what the States retained under the US Constitution in regards to immigration: [Amnesty is a power that has not been specifically delegated by the people to anyone in the Government.] It is of special concern to note that the people in assigning power to the office of the President they only included and therefore limited it to “Pardon and Reprieve”. The 10th Amendment limits presidential power to those two actions.

Under the U.S. Constitution the states granted Congress the sovereign power to make war, maintain armies, mint money, levy duties on imports, receive Ambassadors and other public Ministers, establish post offices, make treaties, etc. Nothing can be found in the enumerated powers that the states gave authorizes Congress to exercise sovereignty over foreigners within a State, as the original 13

colonies did not intend to leave the Federal Government with a blank check when it came to defining sovereignty.

Congress can only **“establish a uniform rule of naturalization”**. Which is the only “Legal Way” to citizenship. The National Government has not been provided with the power to grant citizenship to any, “on sight”, only through this statutory process, due to the failure of the Defendants to comply with the “Administrative Procedure Act” the separation of powers is in the Constitution and the Administrative Branch is committing “Treason” by violating the same. Today the court uses its “plenary power” doctrine in order to avoid having to address how it is possible the States surrendered to the federal government exclusive authority over aliens coming and residing within the individual States Jurisdictional limits.

The Supreme Court has held at different times that if Uncle Sam desires to oust some State law, then the burden is on them to show the express authority to make the law under the Constitution, and where it had been expressly prohibited to the States to touch. Good luck finding any granted power over aliens within State limits while also finding where the States are forbidden to have any say in the matter.

For Congress, or the courts to make some law that has no foundation in some enumerated act or power, and call it a supreme law is nothing but usurpation, and deserves to be treated as such, so said Alexander Hamilton.

Chief Justice Marshall in *McCulloch v. Maryland* tells us Congress may only exercise powers conferred by the letter and spirit of the Constitution that cannot be transcended: Therefore if the Sovereignty of the State of Texas is to be respected, its authority has to be recognized in all ways and matters under their laws, baring their surrendering or assigning such to the Federal authorities.

Texas Penal Code Chapter 25- Harboring a Runaway
PENAL CODE TITLE 6. OFFENSES AGAINST THE FAMILY CHAPTER 25.
OFFENSES AGAINST THE FAMILY Sec. 25.03. INTERFERENCE WITH
CHILD CUSTODY.

Questioning whether an open border is a good thing.

Consider also California would have no way of relieving itself of its own internal generated burden because other States could constitutionally refuse non-citizens from residing within their limits, making it harder for California's self-inflicted woes to migrate to other States. California would then be forced to withdraw the privilege of residency to foreign immigrants within the State – forcing the State to enact responsible laws governing foreign residency.

Congress then could apply checks upon California through naturalization rules, such as limiting the number of citizens to be naturalized and other conditions. Our form of government really would work well for us if Congress and the courts would let it work as intended under the great compact that established our republican form of government.

Federal law (42 U.S.C. § 5772) defines a "missing child" as "any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian." Regardless of the reason why a child goes missing, federal law requires law enforcement agencies to respond in a specific way. Federal law prohibits law enforcement agencies from establishing or maintaining a waiting period before accepting a missing child report (42 U.S.C. § 5780). Federal law also requires law enforcement agencies to enter the missing child's information into the FBI's National Crime Information Center database and state law enforcement system database within two hours of receiving a missing child report (42 U.S.C. § 5780).

A runaway is a minor who is reported missing because his\her whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that the child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return. A runaway may include a minor in the company of another person or is in a situation the circumstances of which indicate that the missing Child's or missing person's safety is in doubt, or a minor who is un-emancipated as defined by the law of the state.

When identified by authorities, a peace officer will return the minor to the minor's parent or guardian at the parent's or guardian's residence if the residence is in the same community where the minor was found and if the minor's parent or guardian consents to the return, except that the officer may not use this option if the officer has reasonable cause to believe that the minor has experienced physical

or sexual abuse in the parent's or guardian's household. It may also be possible to take the minor to a nearby location agreed to by the minor's parent or guardian if the parent or guardian does not consent to return of the minor. The minor might also be taken to an office specified by the Department of Health and Social Services, a program for runaway minors, or a shelter for runaways that agrees to shelter the minor.

We are bound by the supremacy clause of our Constitution found in Article VI: "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation."

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and **all treaties made, or which shall be made**, under the authority of the United States, **shall be the supreme law** of the land; and the **judges in every state shall be bound thereby**, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States. Exhibit (A) Convention on Certain Questions relating to the Conflict of Nationality Laws (The Hague, 12 April 1930), binds us to respect the laws of all states as they pertain to nationality and citizenship. In looking at all of those Nations concerned with the "unlawful"

presence of persons bearing or claiming to be from that nation we find that their Law like ours is that of "Jus Sanguineous"

Sincerely

A handwritten signature in black ink, appearing to read "William F. Reade, Jr.", with a stylized flourish at the end.

William F. Reade, Jr. LTC USA (Ret)

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Attachments: (five)

Exhibits: A - E